

Richard A. Pelley 15732500
PELLEY LAW OFFICES
905 North Travis Street
Sherman, Texas 75090
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IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

Delia Faye Heffington

CASE NO. 04-41985

DEBTOR(S)

DEBTOR(S) OBJECTION TO PROOF OF CLAIM
NO. 4 AS FILED BY SECURITY BANK WHITESBORO IN THE AMOUNT OF \$6,675.97

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION OR REQUEST FOR HEARING IS FILED WITH THE U.S. BANKRUPTCY CLERK, WELLS FARGO BANK BUILDING, 660 N. CENTRAL EXPRESSWAY, #300B, PLANO, TEXAS 75074 WITHIN TWENTY (20) DAYS FROM THE DATE OF FILING OF THIS MOTION, UNLESS THE COURT, SUA SPONTE, OR UPON TIMELY APPLICATION OF A PARTY IN INTEREST, SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION OR REQUEST FOR HEARING.

IF NO OBJECTION OR REQUEST FOR HEARING IS TIMELY FILED, THE MOTION SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. THE COURT RESERVES THE RIGHT TO SET ANY MATTER FOR HEARING.

COMES NOW Delia Faye Heffington, Debtor(s), by and through Debtor(s) attorney of record, RICHARD A. PELLEY, and object to the claim hereafter described, and as grounds therefor would respectfully show the Court, as follows:

I.

Debtor(s) object(s) to the claim of SECURITY BANK WHITESBORO.

II.

Debtor(s) would show the Court, as the basis for this objection that the Debtors will testify and present documentary evidence at this hearing and all related hearings including but not limited to the following:

- (a) a copy of the original petition;
- (b) a copy of the schedules;
- (c) a copy of the Chapter 13 Plan;
- (d) documentation reflecting Debtors' payments;
- (e) documentation reflecting Debtors' obligation to Creditor;
- (f) evidence of insurance if appropriate;
- (g) a copy of the current issue of the local newspaper;
- (h) a copy of the current issue of the Dallas Morning News;

- (i) copies of any other exhibits designated by any other party;
- (j) copy of applicable NADA

Debtors will show the Court that the claim of Security Bank Whitesboro should be allowed as secured only to the extent of the value of its collateral in the amount of \$4,350.00, and the remaining balance should be allowed as unsecured only.

WHEREFORE, PREMISES CONSIDERED, your Debtor(s) pray(s) that the Court, after notice, disallow said claim as requested above and make such other orders as the Court may deem appropriate.

Respectfully submitted,

PELLEY LAW OFFICES
905 North Travis Street
Sherman, Texas 75090
(903) 813-4778

/s/ Richard A. Pelley
Richard A. Pelley
State Bar I.D. 15732500

CERTIFICATE OF SERVICE

I certify that on August 23, 2004 a true and correct copy of the annexed/foregoing has been served by U.S., first class mail, as follows:

Debtor:

Ms. Delia Faye Heffington
127 Jordan Creek Road
Collinsville, TX 76233

Trustee:

Standing Chapter 13 Trustee
Janna L. Countryman
500 North Central Expressway
Suite 350
Plano, Texas 75094-1166

Creditor:

Security Bank Whitesboro
P.O. Box 218
Whitesboro, TX 76273-0218

/s/ Richard A. Pelley
Richard A. Pelley